

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: August 9, 2006
Re: **CONDITIONAL USE PERMIT (CUP): Fieldstone Manor-Perry Property, 110 and 120 Aaron Place.**

I. PETITIONER

Fieldstone Manor, LLC, P.O. Box 15095, Lynchburg, VA 24502

Representative: Trent Warner, Guffey Warner & Associates, Inc, 21 Timber Oak Court, Suite B, Lynchburg, VA 24502

II. LOCATION

The subject properties include a tract of about ninety-one hundredths (0.91) of an acre located at 120 Aaron Place and a tract of twelve and sixty-one hundredths (12.61) acres at 110 Aaron Place.

Property Owner: Fieldstone Manor, LLC, 120 Aaron Place, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to allow construction of a total of twenty-one (21) townhouse units (for sale). The petitioner proposes to build three (3) buildings with a total of sixteen (16) units at 120 Aaron Place and amend the construction limits of a previously approved CUP to relocate one (1) building with five (5) townhouse units at 110 Aaron Place, as well as provide parking and shared amenities between the two properties.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends Medium Density Residential and Resource Conservation land use in this area.
- Petition agrees with the Zoning Ordinance in that townhouses are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.
- Petition proposes the construction of three (3) buildings with twenty-one (21) townhouse units and associated parking.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends both Resource Conservation and Medium Density Residential development in this area. "Resource Conservation" areas have special characteristics that make their preservation in open space particularly important to the City's environmental health. These areas are intended to be kept as natural as possible so as to stabilize steep slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate and to provide wooded areas for wildlife. Medium Density Residential includes small-lot single family detached housing, duplexes, and townhouses at densities of up to twelve (12) units per acre. The proposed development would have a density of approximately three and sixty-two hundredths (3.62) units per acre.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Two Family Residential zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 10/28/2003: City Council approved Mark C. and Joyce H. Hartless's CUP petition for the construction of forty-seven (47) townhomes for sale at 2002-2004 Wards Ferry Road.
 - 10/10/2000: City Council approved Bell Atlantic's CUP petition to construct an additional parking area with about sixty-eight (68) spaces at the existing facility at 555 Leesville Road in an R-3, Two-Family Residential District.
 - 7/8/1997: City Council approved Heritage High School's CUP petition to construct an additional parking area for approximately two hundred (200) vehicles on the existing School campus in an R-1, Single-Family Residential District at 3020 Wards Road.
 - 6/13/1995: City Council approved Bell Atlantic's CUP petition to construct and use an employee and company parking lot for approximately eighty-two (82) and a storage lot at the existing facility at 553 Leesville Road.
 - 2/9/1993: City Council approved The Lynchburg City School Administration's CUP petition to construct a one-story addition for classrooms and, upon completion, to remove two modular classroom units at Heritage Elementary School, 501 Leesville Road.
 - 7/14/1992: City Council approved The Lynchburg School Administration's CUP petition to install modular classroom units at (1) Sandusky, 5828 Apache Lane, and (2) Heritage, 501 Leesville Road.
 - 1/14/1992: City Council approved the Central Virginia Development Company's petition to rezone approximately two and one-half (2.5) acres of land off Wards Ferry Road from R-1, Low Density, Single-Family Residential District, to R-3, Medium Density, Two-Family Residential District, and twenty-five (25) acres of land to R-3, (Conditional) Medium Density, Two-Family Residential District, to allow the residential development of the property; approve a preliminary subdivision plat for "Tide Mill Farms" with fifty-seven (57) lots, including the dedication of two (2) public streets; and name the public streets "Tide Mill Drive" and "Pier Court."
 - 2/14/1989: City Council approved Water Gate Partner's CUP petition to construct approximately one-hundred eight (108) townhouse units for sale or lease in an R-3, Two-Family Residential District between Aaron Place and Village Road and west of Wards Ferry Road.
 - 2/14/1989: City Council amended the zoning along Timberlake Road with the adoption of the Timberlake Road Corridor Land Use Study – Proposed Zoning".
5. **Site Description.** The subject property is bounded to the north by a combination of single-family and two-family detached homes, to the west by Heritage High School, to the south by undeveloped land (previously approved for the construction of townhouses by a February 14th, 1989 conditional use permit) and to the east by single-family attached homes.

6. **Proposed Use of Property.** The purpose of this petition is to allow construction of three (3) buildings with a total of twenty-one (21) townhouse units for sale. City Council approved a conditional use permit (CUP) to allow the construction of one hundred and eight (108) townhouse units on February 14th, 1989, thirty-seven (37) of which have already been or are presently under construction at 100 and 110 Aaron Place, respectively. The CUP plan, as originally approved, permitted townhouses to be built on three sides of a single-family residence at 120 Aaron Place. The petitioner recently purchased the single-family residence at 120 Aaron Place and is requesting a CUP to demolish the existing structure and build two (2) buildings with sixteen (16) townhouse units, similar to the surrounding units. The petitioner is also requesting that the construction limits of the original conditional use permit (2/14/1989) be amended to allow for the relocation of one (1) building with five (5) of the previously approved townhouse units; this will allow the developer to connect parking areas, drive aisles and common areas with the two (2) buildings at 120 Aaron Place.

Building materials for the single-family attached homes will be vinyl and brick; each unit will be two stories (see attached photo) and five (5) of the units will have a rear-loaded garage.

Sidewalks, parking areas and drive aisles will connect the new townhouses to the common areas of the existing development. The petitioner has designed the landscaping to be consistent with that of the adjacent townhouses; this landscaping includes street trees (extended along the frontage of the entire development), foundation plantings and parking lot landscaping. The landscaping, as shown, complies with the City's current landscape ordinance. In addition, the petitioner has modified their original design to eliminate a parking lot originally proposed at the rear of Block H and provided a much smaller drive aisle for owner's to access their garages. This modification allows for the preservation of a significant number of well-established willow oaks at the rear of the property.

7. **Traffic and Parking.** A traffic study is currently underway at the intersection of Aaron Place and Wards Ferry by the City. In addition, the City's Traffic Engineer has required the construction of a right-turn lane for the initial phases of townhouse construction and recommends that this turn lane be completed before the construction of the additional twenty-one townhouse units proposed as part of this request.

Parking requirements for the proposed townhouses and the other twenty-eight (28) townhouses located at 110 Aaron Place are set at two and a half (2.5) spaces per unit by the City's Zoning Ordinance; the total forty-nine (49) townhouses require one hundred twenty-three (123) parking spaces. The site plan indicates that one hundred thirty-nine (139) parking spaces will be provided for the townhouses, thus meeting the requirement of City Code.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The development will manage the increased stormwater flows through the previously designed stormwater management facility adjacent to Block C within the existing Fieldstone Manor Development. Should it be determined during the design phase that this facility is unable to handle the increased runoff from the site, a separate stormwater management facility will be constructed on site. The new facility, if required, would include a combination of underground detention and bioretention filters to address stormwater quantity and quality requirements. A preliminary drainage review indicates that the downstream receiving channel is adequate for the site's stormwater from the proposed pond.

9. **Emergency Services.** The City's Fire Marshal had no comments regarding the conditional use permit for the proposed townhouse development.

The City Police Department had no comments on the proposed townhouse development.

10. **Impact.** The development of the three (3) building, twenty-one (21) unit townhouse complex will have limited impact on the surrounding neighborhood. The design and layout of the buildings are acceptable to the Planning Division. The proposed townhouses will be connected to the common areas and amenities of the existing development through sidewalks, drive aisles and parking areas; in addition a new tot lot is proposed as part of this project that will also serve the adjacent townhouses currently under construction.

The petitioner has designed the landscaping to be consistent with that of the adjacent townhouses; this landscaping includes street trees (extended along the frontage of the entire development), foundation plantings and parking lot landscaping. The landscaping, as shown, complies with the City's current landscape ordinance. In addition, the petitioner has modified their original design to eliminate a parking lot originally proposed at the rear of Block H and provided a much smaller drive aisle for owner's to access their garages. The modification will protect a significant number of well-established willow oaks at the rear of the property and preserve a portion of the area designated as Resource Conservation by the City's Comprehensive Plan.

A traffic study is currently underway at the intersection of Aaron Place and Wards Ferry by the City. The City's Traffic Engineer has required the construction of a right-turn lane for the initial phases of townhouse construction. The design of the right turn lane has been approved by the Engineering Division and the petitioner has agreed to construct this improvement as part of the development. The City's Traffic Engineer had no comments regarding the traffic impacts of the proposed twenty-one (21) townhouses but does recommend that the turn lane be completed before the construction of the additional units is permitted.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The development will manage the increased stormwater flows through the previously designed stormwater management facility adjacent to Block C within the existing Fieldstone Manor Development. Should it be determined during the design phase that this facility is unable to handle the increased runoff from the site, a separate stormwater management facility will be constructed on site. The new facility, if required, would include a combination of underground detention and bioretention filters to address stormwater quantity and quality requirements. A preliminary drainage review indicates that the downstream receiving channel is adequate for the site's stormwater from the proposed pond.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 5, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

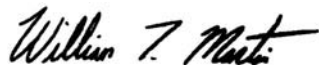
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Fieldstone Manor, LLC's petition for a Conditional Use Permit (CUP) at 110 and 120 Aaron Place to allow for the construction of a three (3) building with twenty-one (21) townhouse

units, common area and associated parking, subject to the following conditions:

- 1. Property will be developed in substantial compliance with the Fieldstone Manor- Perry Property Concept Plan, revised July 28th, 2006 and received by the Department of Community Development on July 31st, 2006.**
- 2. The townhouses will not be permitted for construction until such time as the right turn lane, originally approved for the initial phase of construction, has been completed.**
- 3. The developer agrees to abide by the new landscape ordinance (Sec. 35.1-25.1) for this development.**
- 4. All lighting will be glare shielded and directed so as to prevent illumination across the property line.**
- 5. The right turn land required for the initial phase of Fieldstone Manor of construction must be completed before the construction of the additional units is permitted.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Capt. Michael L. Thomas, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Trent Warner, Guffey Warner & Associates, INC.

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Site Plan**
- 4. Building Elevations**